

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

T02-0024

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern Santa Fe Railway Company, hereinafter referred to as the "Company", the Township of Tompkins in Warren County, hereinafter referred to as the "Township", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through staff investigation that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as TR-36 located near Smithshire, in Tompkins Township Illinois, designated as crossing DOT 004 708A, milepost 198.60-M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and

procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) The Company should install new automatic flashing light signals and short arm gates controlled by constant warning time circuitry;
- b) The Township should remove the "STOP" Signs when the automatic warning devices are placed in service.

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) The cost to install automatic flashing light signals and gates estimated at \$143,906, should be allocated whereby the Department utilizing federal funding under TEA-21, should pay 70% of the actual project cost (not to exceed \$100,734); the Grade Crossing Protection Fund (Fund) should bear 30% of said project cost (not to exceed \$43,172), with the Company bearing any remaining cost after payment from TEA-21 and the Fund, as well as all future operation and maintenance cost thereof;
- b) The cost to remove the "STOP" Signs shall be allocated 100% to the Township.

Section 6 The Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by Resolution attached as Exhibit D.

Section 7 Special Provisions: Since federal funding is being utilized for the warning device improvements at the subject crossing, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since the warning device improvement at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

Commission Order #55882, dated 12/9/70, required the installation of "STOP" Signs at TR-36. When the automatic warning devices are placed in service, the existing "STOP" Signs should be removed and that requirement of Commission Order 55882 should be superceded by Order subsequent to this Stipulated Agreement.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 27th day of FEBRUARY, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest:




Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 992 concerning improvements at the TR-36 grade crossing of The Burlington Northern Santa Fe Railway Company tracks, near Smithshire in Tompkins Township, Warren County, Illinois designated as crossing AAR/DOT # 004 708A, Milepost 198.60-M.

Executed by the Twp. this 6th day of March 2002.
(Twp./County)

TOMPKINS TOWNSHIP, WARREN
COUNTY

By: 

Attest:



Illinois Commerce Commission Stipulated Agreement No. 992 concerning improvements at the TR-36 grade crossing of The Burlington Northern Santa Fe Railway Company tracks, near Smithshire in Tompkins Township, Warren County, Illinois designated as crossing AAR/DOT # 004 708A, Milepost 198.60-M.

Executed by the Company this 13th day of March 2002.

THE BURLINGTON NORTHERN
SANTA FE RAILWAY COMPANY

By: Cheryl Larkin

APPROVED AS TO FORM 3/8/02
[Signature]
Attorney for the Santa Fe Railway Company

Attest:

Bob Marbone

Illinois Commerce Commission Stipulated Agreement No. 992 concerning improvements at the TR-36 grade crossing of The Burlington Northern Santa Fe Railway Company tracks, near Smithshire in Tompkins Township, Warren County, Illinois designated as crossing AAR/DOT # 004 708A, Milepost 198.60-M.

Executed by the Department this 18th day of March 2002.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

James R. Easterly
Director of Highways

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 198.60-M Inventory # 004 708A
City (N) Smithshire Street TR-36 County Warren
Jurisdiction Twp. Urban Rural X Commercial Residential
Street Surface Oil/Chip Width 16' Condition Fair
Angle 70° Tracks Tangent Yes Degree of Curve -- Superelevation -
Depth of Cut ----- Height of Fill -----

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT</u>	<u>24'</u>	<u>Fair</u>
<u>15' -0"</u>	<u>Level</u>				
		<u>Pass</u>	<u>FDT</u>	<u>24'</u>	<u>Fair</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Intersecting Roads 100' None 200' Pvt. Ent.
Traffic Control Devices Present None
ADT 75 Speed unposted Statewide Yes
Schoolbuses Poss. Hazardous Materials Poss. Other ---
Rail Traffic: Ft. 75 @ 70 mph Pass. 2 @ 79 mph Switch Poss.
Simultaneous Movements Yes Daylight and Dark Yes
Present Protection Crossbucks plus "stop signs" (Commission
Order -55882 required installation.
Advance Warning Signs Yes Pavement Marking No

Visibility Study

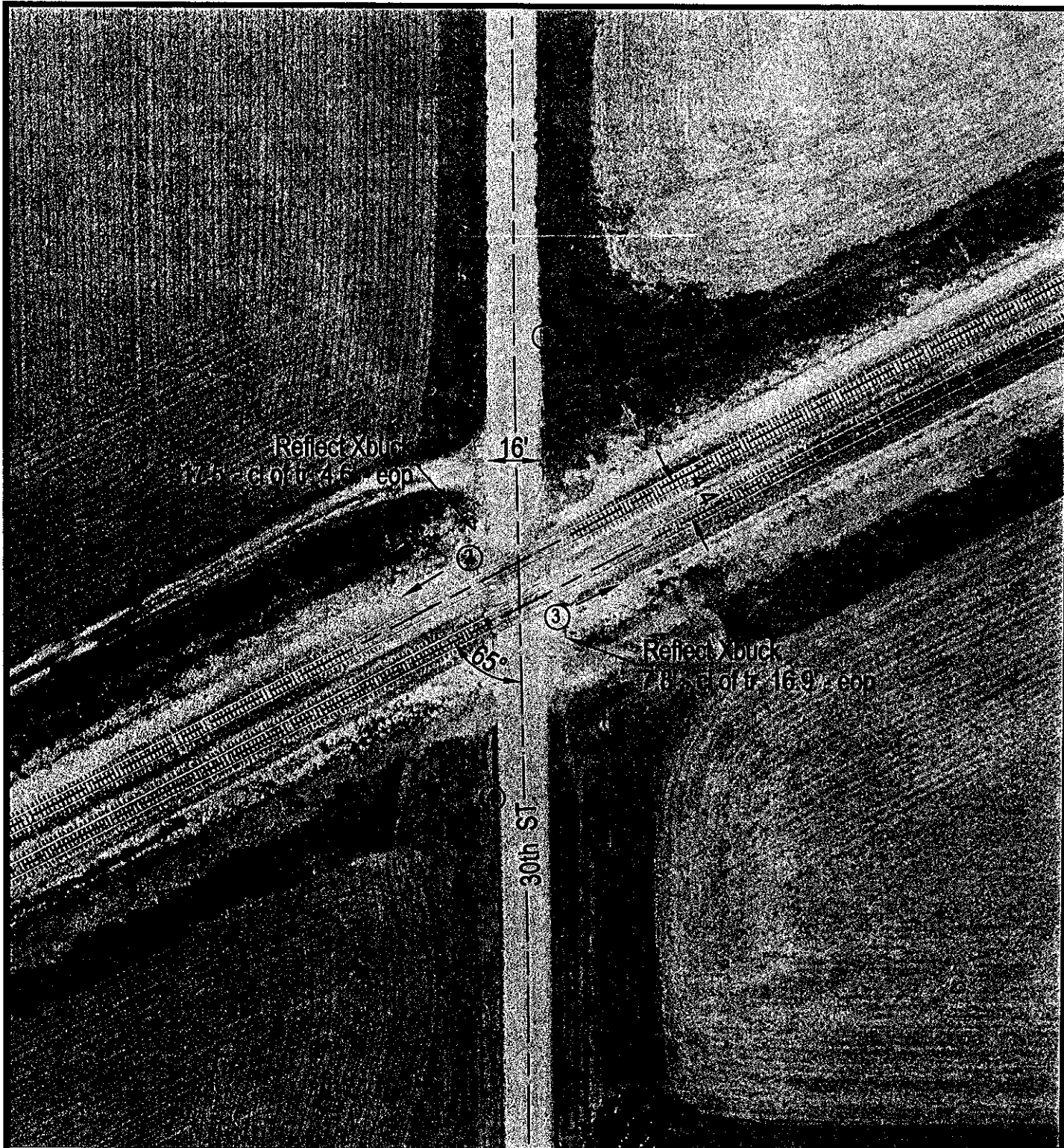
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	OK		50'	Crops
NW	OK		50'	Crops
SE	OK		OK	
SW	OK		50'	Crops

Approach Grades

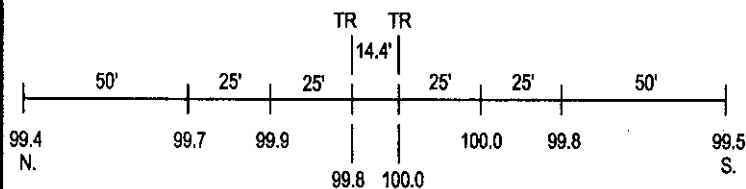
North	<u>Meets</u>	,	<u>92</u>	%	<u>Ill.</u>	,	<u>Adm.</u>	%	<u>Code</u>	,	<u>1535</u>	%
South	<u>"</u>	,	<u>"</u>	%	<u>"</u>	,	<u>"</u>	%	<u>"</u>	,	<u>"</u>	%

Comments: _____

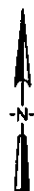
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J:\WARREN\004708A\004708A.DWG 03/07/01 08:36 B.L.B



ROAD PROFILE



③ Photo Location

Crossing #: 004708A
 Location: Warren Co., City of Smithshire (N)
 Lat/Long: 40°48'40" / 90°43'50"
 Railroad: BNSF
 Street: 30th St.
 Railroad Milepost: 198.60
 Crossing Protection: Signs

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

LOCATION	: SMITHSHIRE	LINE SEGMENT	: 7000	AFE NUMBER	:
PLANITEM NUMBER	: PSI004708A	MILEPOST	: 0198.60	RFA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CPAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: CHILLICOTHE	BUDGET YEAR	: 2002
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 2	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 100.00	TAX STATE	: IL COUNTY: WARREN	REPORTING OFFICE	: 456
REQUESTER ID	: XXXX - SYSTEMWIDE DEFAULTM	DATE	:	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX	LOCATION CODE	: 381010	DEPT CODE	: MOWGH
DOT NUMBER	: 004708A			DERAILMENT CODE	:

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL A NEW CROSSING WITH GATES, FLASHERS & CONSTANT WARNING CIRCUITRY AT
TR 36 DOT 004708A NEAR SMITHSHIRE, IL L/S 7000 MP 198.60 ON THE CHICAGO
DIV.....CHILLICOTHE SUBDIV.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE
ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE
MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF
RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR
MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT 100%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH	CAPITAL	NONCASH	CAPITAL	OPERATING	EXP	REMOVAL	COST	BILLABLE	TOTALS
LABOR COSTS	0		0		0		0		48,815	48,815
MATERIAL COSTS	0		0		0		0		71,504	71,504
OTHER COSTS	0		0		0		0		23,587	23,587
TOTALS	0		0		0		0		143,906	143,906

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI004708A - 1--2S
COSTING DATE : 02/04/2002

PRINTED ON : 02/04/2002
ESTIMATED BY : POOR
PRINTED BY : POOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR	728.00	0.0 MH	17,372			
* LABOR SUBTOTAL							17,372	0	0	0
1120	319	400	9911	BATTERY	1.0	EA N	5,060			
1120	319	400	9911	BUNGALOW 6X6	1.0	EA N	5,421			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	6,466			
1120	319	400	9911	CABLE	1.0	EA N	1,822			
1120	319	400	9911	CHARGERS	1.0	LS N	904			
1120	319	400	9911	DWBS	1.0	LS N	1,085			
1120	319	400	9911	ELECTRICAL MTRL	1.0	EA N	450			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	6,883			
1120	319	400	9911	GATE KEEPER	2.0	EA N	3,512			
1120	319	400	9911	GATE MECH. MODEL 95 COMPLETE	2.0	EA N	10,110			
1120	319	400	9911	HXP3R2 SYSTEM	1.0	EA N	18,713			
1120	319	400	9911	MISC. MATERIAL	1.0	EA N	2,500			
1120	319	400	9911	RTU-6, CELLULAR MONITOR	1.0	EA N	1,818			
1120	319	400	9911	VIGILANT RECORDER	1.0	EA N	1,684			
* MATERIAL SUBTOTAL							66,428	0	0	0
1120	790	400	9911	AC POWER SERVICE	1.0	EA	900			
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,000			
1120	434	400	9911	MACHINE RENTAL	1.0	LS N	2,704			
1120	790	400	9911	SURFACE ROCK	10.0	CY N	250			
* OTHER SUBTOTAL							9,854	0	0	0
* ADDITIVES							11,691			
PAYROLL ASSOCIATED COSTS							3,752			
EQUIPMENT EXPENSES							8,963			
DA LABOR OVERHEADS							2,744			
INSURANCE EXPENSES							4,247			
USE TAX							829			
OFFLINE TRANSPORTATION										
* GANG TOTAL							125,880	0	0	0
8		400	9911	SIGNAL SHOP LABOR	80.00	0.0 MH	1,676			
* LABOR SUBTOTAL							1,676	0	0	0
* ADDITIVES							1,127			
PAYROLL ASSOCIATED COSTS							362			
EQUIPMENT EXPENSES							864			
DA LABOR OVERHEADS							264			
INSURANCE EXPENSES										
* GANG TOTAL							4,293	0	0	0
PROJECT SUBTOTAL							130,173	0	0	0
CONTINGENCIES							13,017	0	0	0
BILL PREPARATION FEE							716	0	0	0
PROJECT GROSS COST							143,906	0	0	0
LESS COST PAID BY OTHERS							143,906	0	0	0
PROJECT NET COST							0	0	0	0

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
PHPM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION:- SMITHSHIRE DETAILS OF ESTIMATE PLAN ITEM: PSI004708A VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL A NEW CROSSING WITH GATES, FLASHERS & CONSTANT WARNING CIRCUITRY AT
TR 36 DOT 004708A NEAR SMITHSHIRE, IL L/S 7000 MP 198.60 ON THE CHICAGO
DIV.....CHILLICOTHE SUBDIV.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE
ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE
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CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF
RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR
MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT 100%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

SIGNAL FIELD LABOR	728.00	MH	17,372	
SIGNAL SHOP LABOR	80.00	MH	1,676	
PAYROLL ASSOCIATED COSTS			12,818	
EQUIPMENT EXPENSES			4,114	
DA LABOR OVERHEADS			9,827	
INSURANCE EXPENSES			3,008	
TOTAL LABOR COST			48,815	48,815

MATERIAL				

BATTERY	1.00	EA N	5,060	
BUNGALOW 6X6	1.00	EA N	5,421	
BUNGALOW MATERIAL	1.00	LS N	6,466	
CABLE	1.00	EA N	1,822	
CHARGERS	1.00	LS N	904	
DWES	1.00	LS N	1,085	
ELECTRICAL MTRL	1.00	EA N	450	
FIELD MATERIAL	1.00	LS N	6,883	
GATE KEEPER	2.00	EA N	3,512	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,110	
HXP3R2 SYSTEM	1.00	EA N	18,713	
MISC. MATERIAL	1.00	EA N	2,500	
RTU-6, CELLULAR MONITOR	1.00	EA N	1,818	
VIGILANT RECORDER	1.00	EA N	1,684	
USE TAX			4,247	
OFFLINE TRANSPORTATION			829	
TOTAL MATERIAL COST			71,504	71,504

OTHER				

AC POWER SERVICE	1.00	EA	900	
CONTRACT ENGR.	1.00	EA N	6,000	
MACHINE RENTAL	1.00	LS N	2,704	
SURFACE ROCK	10.00	CY N	250	
TOTAL OTHER ITEMS COST			9,854	9,854
PROJECT SUBTOTAL				130,173
CONTINGENCIES				13,017

BILL PREPARATION FEE	716

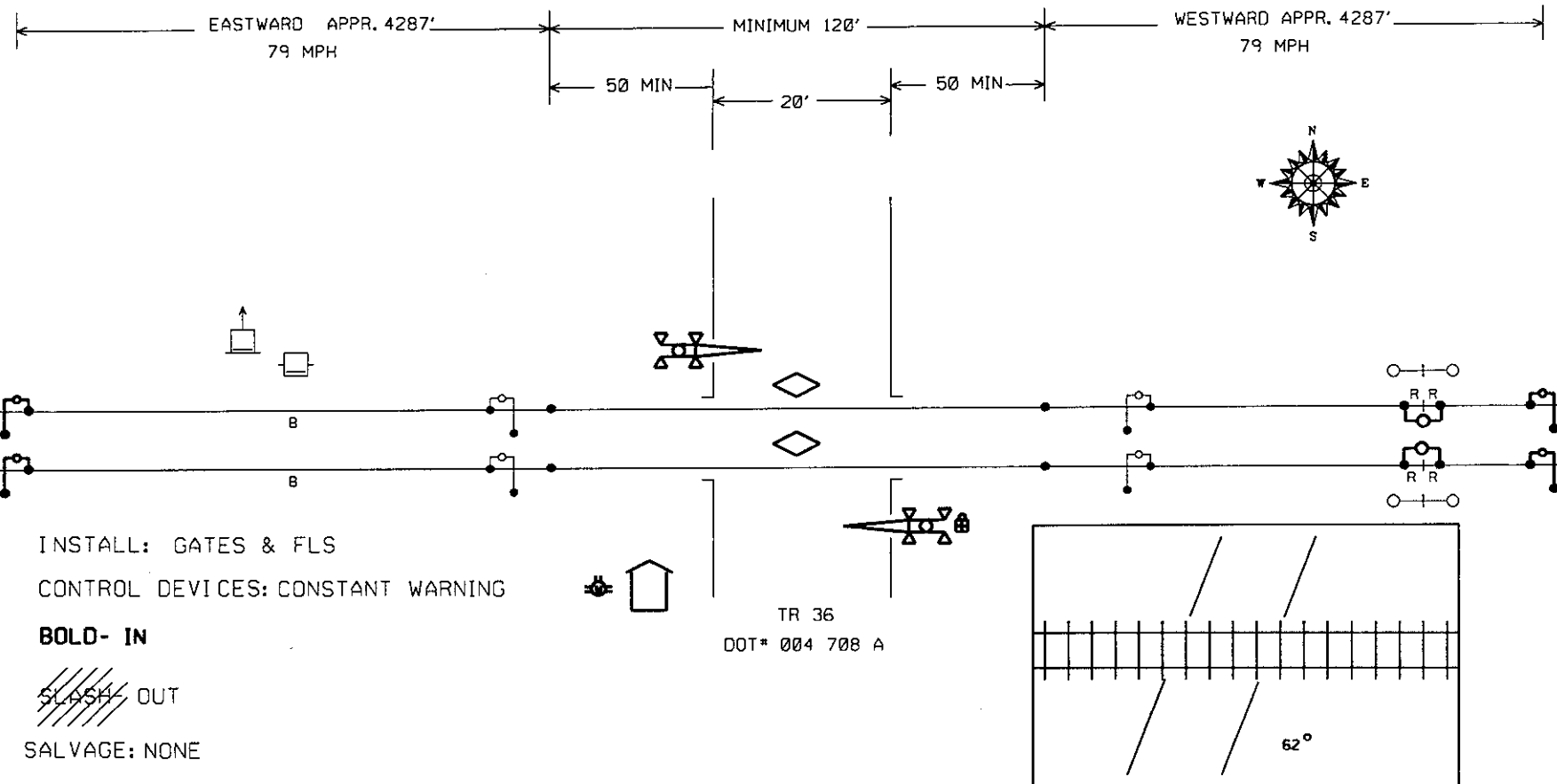
GROSS PROJECT COST	143,906
LESS COST PAID BY BNSF	0

TOTAL BILLABLE COST	143,906
	=====

TO FORT MADISON

The Burlington Northern & Santa Fe Railway Company

TO CHICAGO



- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROL CONNECTIONS
- UNIDIRECTIONAL CROSSING CONTROL
- BIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

Warning device placements:

Clearance to C.L. Track = Min. 12', Max. 20'

Edge of Road to C.L. Foundation:

Min. 4'1" with curb,
Min. 8'1" without curb,
Max. 12'

House Clearance: 25' Min. to C.L. of Track

Front Lights: 30' Min. to Edge of Road

Back and Side Lights: 70 Degree Lenses

Cantilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.
SMITHSHIRE, IL.

TR 36

LS 7000 CHILLICOTHE SUBDIVISION

MP.198.60

CHICAGO DIVISION

DOT# 004 708 A

KANSAS CITY

NO SCALE DATE: 02/04/02

FILE: 7000198.60.DGN MCR/TLP

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date 3-1-02

Agreement # 992

The Tompkins Township Board
(Board or Council of Township, Village, City, County, etc.)

meeting on 3-1-02, Resolved to authorize Tim Dutton, Road Commissioner
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated agreement and
that the Township is financially willing and able to
(Township, Village, City, County)
bear the cost for the proposed improvements as may be assigned to it according
to Section 5 of this Agreement.